

# **VILLAGE OF ALMONT**

## ***SUBDIVISION CONTROL ORDINANCE***

**Adopted November 1999**

## **VILLAGE OF ALMONT**

**ORDINANCE NO. 170**

### **SUBDIVISION CONTROL ORDINANCE**

An Ordinance regulating the subdivision of land in the Village of Almont, requiring and regulating the preparation and presentation of preliminary and final plats for such purposes; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Village Council and Village Planning Commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions.

THE VILLAGE OF ALMONT ORDAINS:

#### **ARTICLE 1**

##### **GENERAL PROVISIONS**

###### **Section 1.00 SHORT TITLE**

This Ordinance shall be known and may be cited as the "Almont Village Subdivision Ordinance."

###### **Section 1.01 PURPOSES**

The purpose of this Ordinance is to regulate and control the subdivision of land within the Village of Almont in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to achieve the following objectives.

1. To provide for the orderly growth and harmonious development of the community.
2. To secure adequate circulation through coordinated street systems, with proper relation to major thoroughfares, adjoining subdivisions and public facilities.
3. To ensure adequate provisions for water supply, site grading and drainage, sanitary sewer facilities and other health requirements.
4. To facilitate the subdivision of larger tracts into smaller parcels of land.

5. To plan for the provision of adequate recreational areas, school sites and other public facilities.
6. To promote and facilitate the provision of a desirable and reasonable environment for human habitation, including the ecological balance, by the preservation of significant natural features such as trees, streams, lakes, floodplains, wetlands and natural topographic features.
7. To achieve individual lots of maximum utility and livability.
8. To provide logical procedures for the achievement of these purposes.

### **Section 1.03 LEGAL BASIS**

This Ordinance is adopted pursuant to, and in accordance with, the State Land Division Act of 1967, being Act 288, Michigan Public Acts of 1967 as amended, and Act 285, Michigan Public Acts of 1931, as amended.

### **Section 1.04 SCOPE**

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the Village is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Village, the provisions of this Ordinance shall control.

### **Section 1.05 ADMINISTRATION**

The approval provisions of this Ordinance shall be administered by the Village Council in accordance with the State Land Division Act of 1967, being Act 288, P.A. 1967, as amended.

### **Section 1.06 REVIEW FEES.**

#### **1. Professional Review Fees.**

Fees for plat review by the Village Planner, Village Engineer, Village Attorney or other professional shall be charged to the applicant/developer in accordance with the fee schedule set by the Village Council.

**Village Review and Administrative Fees.**

Fees established by the Village Council shall be charged to the applicant/developer to defray the various administrative processing and notification requirements.

**3. Other Fees.**

Other public costs incurred by the Village in the planning, engineering, design, construction or inspection of the subdivision shall be paid by the applicant/ developer.



## ARTICLE 2

### DEFINITIONS

#### Section 2.00 DEFINITIONS

All terms as defined in the State of Michigan Land Division Act. For the purpose of this Ordinance, certain words, terms and phrases shall be defined as follows:

1. **As-Built Plans** - Revised construction plans in accordance with all approved field changes.
2. **Block** - An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
3. **Building or Setback Line** - A line parallel to a street right-of-way line, at the minimum front yard setback distance.
4. **Clerk** - The Clerk of the Village of Almont.
5. **Commission** - The Planning Commission of the Village of Almont.
6. **Comprehensive Development Plan (or Master Plan)** - A plan accepted by the Village for the physical development of the Village, showing the general location of major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter.
7. **Crosswalkway (Pedestrian Walkway)** - A right-of-way dedicated to public use which crosses a block to facilitate pedestrian access to adjacent streets and properties.
8. **Easement** - A grant by the owner of the use of a strip of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a "public" or "private" easement, depending on the nature of the use.
9. **Floodplain** - That area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.
10. **Governing Body (or Village Council)** - The Village Council of the Village of Almont.

11. **Greenbelt** - A strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the residential environment.
12. **Improvements** - Any structure servicing a subdivision, such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, utilities, bridges and other additions to the natural state of the land which increase its value, utility or habitability.
13. **Land Division Act** - This shall mean the State Land Division Act of 1967, being Act 288, P.A. of 1967, as amended.
14. **Lot** - A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
15. **Lot Depth** - The mean horizontal distance measured from the street right-of-way line to the rear lot line.
16. **Lot Width** - The distance from one side lot line to the other side lot line measured at the minimum building setback permitted in the Zoning Ordinance (Ordinance No. 159).
17. **Municipal Engineer** - The staff engineer or consulting engineer of the Village.
18. **Municipal Planner** - The staff planner or consulting planner of the Village.
19. **Outlot** - When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
20. **Parcel or Tract** - A continuous area or acreage of land which can be described as provided for in the State Land Division Act.
21. **Plat** - A map or chart of a subdivision of land.
- a. **Preliminary Plat** - A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- b. **Preliminary Plat - Tentative** - A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this Ordinance.

- c. **Preliminary Plat - Final** - A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration in determining compliance with State, County and Village requirements.
  - d. **Final Plat** - A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision, prepared in conformance with the requirements of the Land Division Act and this Ordinance and suitable for recording with the County Register of Deeds.
22. **Proprietor** - A natural person, firm, association, partnership, corporation, or combination of any of them, which may hold any ownership interest in land, whether recorded or not. The proprietor is also commonly referred to as the owner.
23. **Public Open Space** - Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.
24. **Public Utility** - All persons, firms, corporations, co-partnerships or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.
25. **Street** - Any thoroughfare, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is a State, County or Village roadway; or, a street or way shown in a plat approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and landscape area.
- a. **Major Thoroughfare** - An arterial road of great continuity which is intended to serve as a large volume trafficway for both the immediate Village area and region beyond, and may be designated in the Village's or other governmental agency's Major Thoroughfare Plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic framework of the street plan.
  - b. **Collector Street** - A road intended to serve as a major means of access from local streets to major thoroughfares, including principal entrance streets to large-scale developments.



- c. **Minor or Local Street** - A road of limited continuity used primarily for access to abutting residential properties.
- d. **Marginal Access** - A minor road paralleling, and adjacent to, a major thoroughfare which provides access to abutting properties and protection from through traffic.
- e. **Boulevard** - A street developed to two, two-lane, one-way pavements separated by a median.
- f. **Cul-de-sac** - A short street having one end permanently terminated by a vehicular turnaround.
- g. **Alley** - A service lane used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

26. **Subdivide or Subdivision** - The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

"Subdivide or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

- 27. **Surveyor** - Either a land surveyor who is registered in this State as a registered land surveyor or a civil engineer who is registered in the State as a registered professional engineer.
- 28. **Topographical Map** - A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- 29. **Village** - The Village of Almont.
- 30. **Water Resources Commission** - The Water Resources Commission of the Michigan Department of Environmental Quality.
- 31. **Zoning Ordinance** - The Zoning Ordinance of the Village of Almont.

**ARTICLE 3**  
**SUBDIVISION PROCEDURES**

**Section 3.00 INITIAL INVESTIGATION (SKETCH PLAN REVIEW)**

**1. Purpose.**

Prior to the preparation of a plat, it is suggested that the owner meet informally with the Village to discuss the Village's review procedures and development guidelines as they effect the area in which the proposed subdivision is located. This initial review also provides the Planning Commission and other affected agencies with general information concerning the proposed development. During the initial sketch plan review, the proprietor shall be concerned with the following factors:

- A. Securing copies of the Zoning Ordinance, Subdivision Control Ordinance, engineering specifications, wetland maps, floodplain maps, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the Village.
- B. That the area is properly zoned for the intended or proposed use.
- C. The adequacy of existing schools and the adequacy of public open spaces, including parks, recreation areas and playgrounds, to serve the proposed subdivision.
- D. The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares.
- E. Availability, adequacy and standards for sewage disposal, water supply and storm drainage.

**2. Submittal.**

The proprietor may submit a plan that shows the proposed subdivision in schematic form, including the area for immediate development and including the following:

- A. General layout of streets, blocks and lots in sketch form.
- B. Existing conditions and characteristics of the land on and adjacent to the site.

- C. Any general area set aside for schools, parks and other community facilities.
- D. Drainage patterns, surface drainage over the site, slope gradients, soil types, vegetation on the site, with particular emphasis on existing trees by size and type.

3. **Procedures.**

The Planning Commission shall review the sketch plan as provided in the following procedures:

- A. The subdivider shall submit eleven (11) copies of the sketch plan and any other information to the Village Clerk ten (10) days before the next Planning Commission meeting.
- B. The Village Clerk will promptly transmit eight (8) copies of the sketch plan to the Planning Commission, one (1) to the Village Planner, one (1) to the Village Engineer, and retain one (1) for file.
- C. The Planning Commission or Subdivision Committee of the Commission will review the plan with the subdivider or his agent. The Commission may also request that copies of the sketch plan be submitted to other affected public agencies for review.
- D. The Planning Commission will inform the subdivider or his agent of the Village's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- E. Nothing in this Section shall be construed to require approval of the sketch plan. The sketch plan shall serve only as a general guide for the subdivider and the Village.

**Section 3.01 PRELIMINARY PLAT**

The preparation of a Preliminary Plat shall be carried out through two phases: Tentative and Final Preliminary Plat approval, all in accordance with the procedures in this Section.

1. **Preparation for Tentative Approval.**

The Preliminary Plat shall be prepared in accordance with the Land Division Act and in accordance with the requirements of this Ordinance.

A. **Subdivision Identification and Description.**

- (1) Proposed name of subdivision.



- (2) Location by section, town and range, or by other legal description.
- (3) Names, addresses and phone numbers of the proprietor, owner, planner, landscape architect, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his/her interest in the land.
- (4) A plat of the area to be subdivided shall be prepared and sealed by a registered land surveyor or civil engineer. The scale of the plat shall be no greater than 1" = 100'.
- (5) Date.
- (6) Northpoint and scale.

**B. Existing Site Conditions.**

- (1) An overall area map, at a scale of not less than 1" = 2,000', showing the relationship of the subdivision to its surroundings, such as section lines and/or major streets or collector streets, shall be provided.
- (2) Boundary lines of the proposed subdivision, section or corporation lines within, or adjacent to, the tract and overall property dimensions.
- (3) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision, including those of areas across abutting roads.
- (4) Location, widths and names of existing or prior platted streets and private streets, and public easements within, or adjacent to, the tract being proposed for subdivision, including those located across abutting roads.
- (5) Location of existing sewers, water mains, storm drains and other underground facilities within, or adjacent to, the tract being proposed for subdivision.
- (6) Topography drawn as contours, with an interval of at least two (2) feet. Topography to be based on U.S.G.S. datum.
- (7) Drainage patterns shall be depicted on a topographic map, including any rivers, streams, ditches and retention areas.
- (8) The boundary(ies) of any floodplains, water bodies, problem soil areas, wetlands, etc., shall be presented on the plat map.

- (9) Site vegetation shall be inventoried and presented on a plat map, indicating type, size and locations, with particular attention given to trees of five (5) inches or more in caliper D.B.H. (Diameter at Breast Height). Stands (groupings) of trees may be depicted by their outer boundaries, with a description of the types, sizes and number of trees involved.

**C. Proposed Site Development.**

The Preliminary Plat (tentative stage) shall include:

- (1) Layout of streets indicating proposed street names, right-of-way widths and locations and connections with adjoining platted streets, and also the widths and location of easements.
- (2) Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
- (3) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision. Any lands retained for use by lot owners shall be accompanied by documents which describe the property and the provisions which provide for its preservation and maintenance.
- (4) An indication of the ownership of and existing and proposed use of any parcels identified as "excepted" on the plat. If the proprietor has an interest or owns any parcel so identified as "excepted," the plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district.
- (5) An indication of the sanitary connection to the Village of Almont's sanitary sewer system by a method approved by the Village of Almont.
- (6) An indication of the connection to the Village of Almont's water system by a method approved by the Village of Almont.
- (7) An indication of the storm drainage proposed by a method approved by the Lapeer County Drain Commissioner and the Village of Almont Engineer.
- (8) In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout or concept plan for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development

which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

- (9) Indicate any areas depicted on the survey of environmental features and any related protective measures, modifications and/or removal proposals; the Village's concern being in coordinating these features into the proposed development rather than their removal.

## **2. Preliminary Plat Process - Tentative Approval.**

### **A. Filing and Initial Processing.**

- (1) The proprietor shall file ten (10) copies of a valid and complete preliminary plat of the proposed subdivision, together with a written Application for Subdivision Approval, necessary fees, and any other information required to be submitted under the Land Division Act, with the Village Clerk. Such filing shall be at least fourteen (14) days prior to the regularly scheduled Planning Commission meeting, if discussion or action will be requested at that meeting.
- (2) The proprietor shall submit accurate and complete evidence of title and ownership.
- (3) Before submitting an application to the Village, the applicant shall submit copies of the subdivision to all applicable local and State review authorities, including, but not limited to, the following:

Lapeer County Road Commission  
Lapeer County Health Department  
Lapeer County Drain Commissioner  
Lapeer County Plat Coordinating Committee  
Michigan Department of Environmental Quality  
Almont School District  
Any applicable Public Utilities.

Copies of comments from all applicable review agencies shall accompany the application for Tentative Preliminary Approval.

- (4) The Village Clerk shall examine and check for completeness of the preliminary plat as required in this Ordinance. If the plat is complete, it shall be received by the Village Clerk and filed for processing. If complete and basically in conformance with applicable Village requirements, the Clerk shall place the proposal on the agenda of the next regular Planning Commission meeting. If the application is incomplete, the Clerk shall inform the



proprietor of the data required and that the filing of the application will be delayed until the required data is received.

- (5) The Clerk shall transmit a copy of the complete preliminary plat to the appropriate Village Departments, the Village Engineer and the Village Planner for their technical review and recommendation. The Engineer and Planner shall provide their reviews and recommendations to the Planning Commission within thirty (30) days of receipt of the preliminary plat.

**B. Planning Commission - Tentative Approval.**

- (1) When all required information has been received by the Village Clerk, the Clerk shall transmit the plat to the Planning Commission. The Planning Commission shall act upon the preliminary plat (tentative stage) within sixty (60) days of its filing and acceptance by the Clerk.
- (2) The Planning Commission shall review all details of the proposed subdivision as to its conformance to this Subdivision Control Ordinance, the Zoning Ordinance, the various elements of the Master Plan, and for compliance with all applicable ordinance provisions and published standards of the Village. The Commission shall examine the adequacy of utility provisions, coordination with proper and reasonable street and right-of-way alignments and/or extensions, and other provisions of development which fulfill the needs of the general public, safety and welfare.
- (3) The Planning Commission shall recommend approval, conditional approval, or disapproval of the preliminary plat to the Village Council.
  - a. Should the Planning Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the meeting. A copy of the minutes shall be sent to the proprietor. A copy of the decision, together with all technical comments, recommendations and other pertinent background data, shall be forwarded to the Village Council for consideration of the matter.
  - b. Should the Planning Commission find that all applicable requirements have been adequately met, it shall recommend approval or tentative approval, subject to conditions, to the Village Council.

- c. Should the Planning Commission find that conditions have been satisfactorily met, it may give tentative approval or tentative conditional approval, as the case may be, to the preliminary plat. The Chairperson shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:
  - 1) Return one (1) copy to the proprietor.
  - 2) Retain one (1) copy which shall become a matter of permanent record in the Planning Commission files.
  - 3) Forward one (1) copy to the School Superintendent of the School Districts having jurisdiction in the area concerned.
  - 4) Forward the remaining copies to the Village Council, together with all other pertinent data, via the Clerk's office, with recommendations for tentative approval or tentative conditional approval, as the case may be.

**C. Village Council - Tentative Approval.**

- (1) The Village Council will not review a preliminary plat until it has received the review and recommendations of the Planning Commission thereon. Following the receipt of such recommendations, the Village Council shall take action on the preliminary plat. Such action shall be taken within ninety (90) days of the original date of filing with and receipt by the Village Clerk.
- (2) In the event the Village Council gives tentative approval or conditional tentative approval of the preliminary plat, the Village Council shall record its approval on three (3) copies of the preliminary plat and distribute as follows:
  - a. Furnish one (1) copy to the proprietor.
  - b. Place one (1) copy in the Village Clerk's official file.
  - c. Return one (1) copy to the Planning Commission for their files.
- (3) Approval of the preliminary plat (tentative stage) shall not constitute final approval of the preliminary plat. It shall confer on the proprietor, approval of lot sizes, lot orientation and street

layout and shall serve as a guide to the preparation of a final preliminary plat. No land balancing or installation or construction of any improvements shall be made or begun at this time.

- (4) Tentative approval of the Village Council shall be effective for a period of twelve (12) months from the date of such tentative approval. Should the preliminary plat, in whole or in part, not be submitted for final tentative approval within the 12-month time limit, the preliminary plat must again be submitted to the Planning Commission and Village Council for approval. An extension may be applied for by the proprietor, and such request may be granted in writing by the Village Council if the request is made within the 12-month timeframe.
- (5) In the event that the Village Council shall reject or disapprove the preliminary plat, the Village Council shall set forth in writing its reasons for rejection or disapproval and shall indicate the requirements for tentative approval.

3. **Preliminary Plat Process - Final Approval.**

- A. Within one (1) year after receiving tentative preliminary approval, the proprietor shall submit the preliminary plat for final approval.
- B. The proprietor shall submit ten (10) copies of the final preliminary plat, accompanied by all required additional information identified herein, at least fourteen (14) days prior to the Planning Commission meeting at which it will be introduced for consideration.
- C. Submission Requirements. The final preliminary plat shall include the same information required for the tentative preliminary submission, as specified in Section 3.01(1), in addition to the following additional material:
  - (1) Engineering plans for all proposed site improvements, including streets, drainage, water, sanitary sewers, sidewalks and other public improvements required by the Land Division Act and other applicable ordinances of the Village.
  - (2) Two (2) copies of the Subdivision Restrictions, as will be recorded with the plat.
- D. The preliminary plat submitted for final approval shall include all changes required by the Village, County and State review agencies.



- E. The proprietor shall submit a certified list of all required authorities to which the plat has been submitted for review. They shall also submit copies of the necessary approvals from those agencies.
- F. The proprietor shall deposit the sum required to cover costs of reviewing the plat and layout, said deposit to be made at the time the Preliminary Plat is submitted for final approval to the Clerk.
- G. **Planning Commission Review.**

- (1) One (1) copy each of the preliminary plat shall be transmitted by the Clerk to the Engineer and the Planner for their review, comment and recommendation. The Engineer and Planner shall provide their reviews and recommendations to the Planning Commission within fifteen (15) days of receipt of the preliminary plat. The Planner shall check the proposed plat for substantial conformance with the plat tentatively approved. Special attention shall be given to completeness of data submitted, the circulation patterns as approved, finalized lot sizes and arrangements, coordination with abutting properties and land uses, and integration of environmental features into the plat design.

The Engineer shall check all drawings and information for technical competence and compliance with the Land Division Act and the requirements of Village Ordinance and accepted engineering standards. Substantial departure from the concepts and proposals, as approved in the tentative plat, shall be reported. The written recommendation on the plat shall be submitted to the Planning Commission.

- (2) If the preliminary plat does not meet all applicable requirements, the Planning Commission shall notify the applicant by letter, giving the earliest date for resubmission of the plat and the additional information or changes required.
- (3) The Planning Commission shall act on the final preliminary plat within thirty (30) days after the plat has been submitted to the Village Clerk.

H. **Village Council Review.**

- (1) The Village Council shall not review, approve or reject a preliminary plat until it has received reports and recommendations from the Planning Commission and all required review authorities. The Village Council shall consider the preliminary plat and take action thereon at its next regular

meeting, or within twenty (20) days of the date of filing.

- (2) If the preliminary plat conforms substantially to the plat tentatively approved by the Village Council and meets all conditions established and required for preliminary approval, the Village Council shall give final approval to the preliminary plat.
- (3) Should the Village Council give final approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.
- (4) The Village Clerk shall promptly notify the proprietor of approval or rejection in writing and, if rejected, the reasons for the action.
- (5) Final approval shall be effective for a period of two (2) years from the date of final approval. The two (2) year period may be extended for one year at a time, if applied for by the proprietor and granted by the Village Council in writing.
- (6) No installation or construction of any improvements shall be made before the preliminary plat has received final approval of the Village Council, engineering plans have been approved by the Engineer, and any deposits or performance guarantees required under this Ordinance have been received by the Village.

## **Section 3.02 FINAL PLAT**

### **1. Procedures for Preparation and Review of a Final Plat**

#### **A. Preparation.**

- (1) Final plats shall be prepared and submitted as provided for in the Land Division Act.
- (2) A written application for approval and all necessary fees as required by Section 1.06 shall accompany all final plats.
- (3) The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Control Ordinance.
- (4) Final plats shall be submitted to the Village Clerk at least twenty (20) days before a meeting of the Village Council.

**B. Final Plat Review.**

- (1) Five (5) mylar copies and three (3) paper prints of the final plat shall be filed by the proprietor with the Clerk and shall deposit such sums of money as the Village Council may require herein or by other ordinances.
- (2) Copies of the final plat shall be submitted to the Engineer and Planner for review to determine compliance with the approved preliminary plat, all applicable Village policies, codes and ordinances, and the Village's Master Plan. The Engineer and Planner shall recommend either approval or denial of the final plat within fifteen (15) days of receipt of the final plat.
- (3) The Village Council shall review all recommendations and take action on the final plat within (20) days of its date of filing.
- (4) The Village Council shall approve or disapprove the plat. If disapproved, the Village Council shall give the subdivider its reasons in writing.
- (5) Upon the approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Land Division Act. The three (3) prints of the final plat shall be forwarded: one (1) to the Clerk; one (1) to the Planning Commission; and one (1) to the Building Department. The five (5) mylar copies shall be forwarded to the Clerk of the County Plat Council.
- (6) When all necessary improvements have been approved and accepted by the Village Council, a certified approved plat shall be transmitted to the Clerk of the County Plat Council. One (1) complete set of "as built" mylar drawings of the utilities and public improvements shall be filed with the Clerk, with a second copy submitted to the Engineer.

**C. Improvements and Facilities Required by the Village.**

- (1) The Village Council may require all improvements and facilities to be completed before it approves the final plat.
- (2) If improvements and facilities are not required to be completed by the Village Council before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Village Council for completion of all required improvements and facilities.



- (3) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.
- (4) The Village Council shall not require a bond duplicating any bond required by another governmental agency.
- (5) Such guarantee shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Village and the subdivider; however, no amount shall be rebated or credited until the Village Engineer approves the sum, and at least ten (10%) percent shall be retained pro-rata from the entire project for one year after completion of improvements to insure against any repairs that may be necessary.
- (6) One complete set of reproducible "as built" mylar drawings shall be provided by the proprietor to the Village Engineer before final acceptance of the public improvements.

## ARTICLE 4 SUBDIVISION DESIGN STANDARDS

### Section 4.00 STREETS

1. **General Requirements.** The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. Any standards adopted by the Village of Almont Engineering Standards as determined by the Village shall prevail. All streets shall be dedicated to public use in all cases.
2. **Relationship to Master Plan.** The proposed subdivision shall conform to the various elements of the Village's Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the general location and width indicated on such plan. The proposed subdivision shall also conform to any State, County or local right-of-way plan which may be applicable to that location.
3. **Local or Minor Streets.** Such streets shall be so arranged as to discourage their use by through-traffic.  
  
**Street Continuation and Extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission, the Lapeer County Road Commission, the Michigan Department of Transportation, if applicable, or the Village Engineer as determined by the Village.
5. **Stub Streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
6. **Relation to Topography.** Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients.
7. **Alleys.** Alleys shall not be permitted in areas of detached single- or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions, unless other provisions are made for service access, off-street loading and parking. Dead-end alleys shall be prohibited.

**Marginal Access Streets.** Where a subdivision abuts or contains a major road, the Village may require:

- A. Marginal access streets approximately parallel to, and on each side of, the right-of-way.
  - B. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
9. **Cul-de-sac Streets.** Cul-de-sacs shall not be more than six hundred (600) feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround with a minimum radius of sixty (60) feet for right-of-way, and pavement to the outside curb shall be sixteen (16) feet from the right-of-way line.
10. **Half Streets.** Half streets shall generally be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the Village of Almont Engineering Standards as determined by the Village.
- Private Streets.** Private streets and roads shall generally be prohibited.
12. **Right-of-Way Standards.** Road right-of-way widths shall conform to the adopted Village Master Plan and the requirements of the Village of Almont Engineering Standards as determined by the Village as follows:
- A. State or U.S. trunklines shall be of the width required by the Michigan Department of Transportation.
  - B. Each mile or section line road within the County shall be a minimum width of 120 feet.
  - C. All half-mile or quarter-section line roads shall be a minimum width of 86 feet.
  - D. All other roads shall be a minimum width of 66 feet, unless additional right-of-way is required for proper road drainage and construction.
  - E. All dead-end roads shall be provided with a turn-around, with a minimum external diameter of 150 feet.
  - F. The Lapeer County Road Commission, the Michigan Department of Transportation or the Village of Almont may require additional right-of-way width for the proper construction of local roads, which connect to County roads or state trunkline roads, due to special



circumstances, such as grading operations, requirements for horizontal sight distance, or the location of open channels or permanent structures occupying portions of the right-of-way.

13. **Street Gradients.**

- A. **Maximum Grades.** Street grades shall not exceed five (5%) percent on either local streets or collector streets.
- B. **Minimum Grades.** No street grade shall be less than zero point four (0.4%) percent.
- C. **Transverse Slope.** All paved roadways shall require a 2% transverse slope.

14. **Street Alignment.**

- A. **Horizontal Alignment.** When street lines deflect from each other by more than ten (10 ) degrees in alignment, the centerlines shall be connected by a curve, with a minimum radius of five hundred (500) feet for major roads, three hundred (300) feet for collector streets, and one hundred fifty (150) feet for local or minor streets. Between reverse curves on local streets, there shall be a minimum tangent distance of one hundred (100) feet, and on collector and major roads, two hundred (200) feet.
- B. **Vertical Alignment.** Minimum sight distances shall be two hundred (200) feet for local streets and three hundred (300) feet for collector streets.

15. **Street Names.** Street names shall not duplicate any existing street name in Almont Village, except where a new street is a continuation of an existing street. Street names that may be spelled differently, but sound the same, shall also be avoided.

If development begins before permanent street signs are installed, temporary street signs shall be provided and installed by the proprietor.

16. **Driveways.** All driveway locations shall be subject to the requirements of the Lapeer County Road Commission, the Michigan Department of Transportation, or the Village of Almont as determined by the Village.

**Section 4.01 INTERSECTIONS**

1. **Angle of Intersection.** Streets shall intersect at ninety (90) degrees, or closely thereto, and in no case at less than eighty (80) degrees.

2. **Sight Triangles.** Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another

vehicle when either is one hundred twenty-five (125) feet from the center of the intersection.

3. **Number of Streets.** No more than two (2) streets shall cross at any one intersection.
4. **"T" Intersections.** Except on major and certain collectors, "T"-type intersections shall be used, where practical.
5. **Centerline Offsets.** Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more.
6. **Vertical Alignment of Intersection.** A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back thirty (30) feet to one hundred (100) feet each way from the centerline of the intersection. An allowance of one (1%) percent maximum intersection grade in rolling terrain and two (2%) percent in hilly terrain will be permitted.
7. **Acceleration/Deceleration Tapers.** Where the Village of Almont, or Lapeer County Road Commission, or Michigan Department of Transportation determines that they are necessary for traffic flow or safety purposes, acceleration/deceleration tapers and passing lanes shall be provided.

#### **Section 4.02 BLOCKS**

1. **Maximum Block Length.** The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street. This distance may be modified by the Village Council upon recommendation by the Planning Commission in the interest of improved design and improved vehicular/pedestrian circulation.

Large lot subdivisions of one-half acre or greater shall not be restricted by the above dimensions of block length, subject to the approval by the Village Council.

2. **Block Width.** The width of a block shall be determined by the condition of the layout and shall be suited to the intended layout.

#### **Section 4.03 EASEMENTS**

1. **Location.** Utility-line easements shall be provided along front-, rear-, or side-yard setbacks for necessary utilities. Easements shall provide access to every lot, park or public ground. Such easements shall be a total of not less than twelve (12) feet in width.

2 **Public Utilities.** Recommendations on the proposed arrangement of telephone, gas or electric company easements should be sought from all utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies for their comments.

3. **Drainage Courses.** Where a subdivision is traversed by a water course, channel or stream, there shall be provided a storm water or drainage right-of-way conforming substantially with the lines of such water course. Such easements shall be approved by the Lapeer County Drain Commissioner or Village of Almont Engineer.

#### Section 4.04 LOTS

1. **Conform to Zoning.** The lot width, depth and area shall not be less than the particular district requirements of the Zoning Ordinance.
2. **Size and Shape.** The lot size, width, depth and shape in any subdivision shall be appropriate for the location and type of development contemplated.
- Building Setbacks.** Building setback lines shall conform to at least the minimal requirements of the Zoning Ordinance.
4. **Corner Lots.** Corner lots in residential subdivisions shall be platted with at least ten (10) feet of extra lot width to permit appropriate building setbacks or orientation to both streets.
5. **Lot Lines.** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets and must exhibit satisfactory rear and side yard arrangements for privacy and drainage.
6. **Width-to-Depth Relationship.** Narrow, deep lots shall be avoided. A width-to-depth ratio of not more than one-to-four (1-to-4) is desirable.
7. **Nonresidential Lots.** Lots intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.
8. **Public Road Access.** Every lot shall front or abut a public street approved by the Village Council.
9. **Front-to-Front Relationship.** Lots shall have a front-to-front relationship across local streets. All lots shall be arranged to maximize privacy and avoid creating nuisances.
10. **Back-up Lots.** Lots shall back into such features as freeways, major roads, shopping centers or industrial properties, except where there is a marginal



access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear, at least twenty (20) feet wide, in addition to the utility easement to restrict access to the major road to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two (2) minor streets shall be prohibited.

11. **Non-Habitable Lots.** Lands subject to flooding, or otherwise deemed by the Planning Commission to be uninhabitable, shall not be platted for residential purposes or for uses that may, in the judgement of the Planning Commission, increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.
12. **Future Arrangements.** Where parcels of land are subdivided into unusually large lots, the parcels shall be divided, where feasible, so as to allow for re-subdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future re-subdividing or lot splitting is contemplated, the plan therefor shall be approved by the Planning Commission prior to the taking of such action.
13. **Panhandle Lots.** The Village Council may allow panhandle lots that do not have the required lot width at the building setback line when justified by unusual topographic or other relevant physical characteristics.

#### Section 4.05 PEDESTRIAN CIRCULATION

1. **Crosswalks.** Public walkways or crosswalks may be required by the Planning Commission for the purpose of providing pedestrians access to public or private facilities such as, but not limited to, schools, parks or shopping areas. The minimum easement width of any such walk shall be twelve (12) feet. The minimum pavement width shall be five (5) feet.
2. **Sidewalks.** Sufficient right-of-way width shall be provided so that sidewalks may be installed on both sides of all streets. The minimum width of all sidewalks shall be four (4) feet.

#### Section 4.06 PLANTING STRIPS

1. **Planting Strips.** Planting strips may be required to be placed next to any incompatible features, such as highways, railroads, commercial or industrial uses, or similar features to screen the view from residential properties. Such screens shall be a minimum of ten (10) feet wide and shall not be part of the normal road way, right-of-way or utility easement. Planting details of any required reserve strip shall be provided during the tentative preliminary platting phase.

## Section 4.07

## NATURAL FEATURES

The proprietor shall seek to protect and preserve natural environmental features to as great a degree as possible. In some instances, various governmental requirements will restrict or otherwise limit use and/or development of specific defined areas. In some other instances, the established rules may be less precise, but public benefit(s) may be achieved; in such cases, the proprietor and the Village shall seek to work together and through cooperative and innovative efforts achieve design solutions which are mutually beneficial. Basic areas of concern are as follows:

1. **Topographic Features.** The proprietor shall make every effort to minimize mass earth balancing. The integration of slopes into naturally sloping building sites generally results in more valuable building sites. Ancillary benefits include lower earth moving costs and facilitating the retention of more trees and site vegetation and soil.
2. **Wooded Areas and Trees.** The proprietor shall seek to achieve a site layout and design which minimizes the removal of trees due to public road rights-of-way, utility easements and individual building sites. Particular attention shall be given to the location and preservation of trees with a five (5) inch or more caliper D.B.H. (Diameter at Breast Height), especially when the trees are of desirable species. Similar concerns shall also be given to stands of smaller caliper trees of desirable species. Retention of natural greenbelt transition areas along exterior property lines shall also be considered, particularly when the adjoining area represents a differing land use than proposed for platting and development. Selective tree cuttings, when part of a legitimate forestry/woodlot management program, shall not be discouraged.
3. **Drainage Courses and Needs.** Natural drainage basins and their relationship and effect on drainage courses on-site and down stream shall be considered in site design. On-site retention/ detention of storm water is often a consideration in site design and such needs shall be reviewed with the Village Engineer and/or County Drain Commission. Consideration shall be given to the creation of storm water basins wherever possible to create a settling basin arrangement to filter water before it's discharged off-site; particularly if the discharge is to an active (perennial) stream, river, pond or lake. Storm water facilities shall be turned over to the Lapeer County Drain Commissioner, as stipulated in the Michigan Drain Code. Other arrangements for storm water facilities may be allowed as approved by the Village of Almont Engineer and Attorney.
4. **Streams, Creeks, Drains, Lakes and Ponds.** Modifications to any public water bodies are subject to Michigan Department of Environmental Quality (MDEQ) authorization. Proprietors shall seek to integrate other water bodies into the site design without adversely affecting the environmental quality and character of such feature. When a proprietor seeks to create a



man-made or expanded body of water, consultation shall be held with the Village Engineer to review appropriate slope, depth and other design and construction requirements prior to undertaking any excavation, grading or construction work.

5. **Wetlands, Unstable and/or Other Problem Soil Areas.** The proprietor shall locate and map the boundaries of any of the above-referenced environmentally sensitive areas. In the event the subject area falls under MDEQ control, the proprietor shall seek to obtain necessary permits prior to submitting the Preliminary Tentative stage plat to the Village. In the event any subsequent Michigan Department of Environmental Quality permit necessitates a change in the plat, the plat shall be returned to the Village to be processed as an amended plat.

Smaller wetland areas shall be considered for integration into drainage or other open space areas wherever practical. Smaller environmentally sensitive areas shall not be retained when their useful existence cannot be reasonably achieved and assured in future years.

6. **Floodplains.** Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water, shall require specific compliance with the Land Division Act and review by the Subdivision Control Unit of the Land and Water Management Division of the Michigan Department of Environmental Quality. Any floodplain area shall also meet the requirements of the Village of Almont Engineer. The proprietor shall seek to coordinate any floodplain areas with other environmentally sensitive areas to create other positive benefits to residents of the proposed plat and the community-at-large.



## ARTICLE 5

### STREET AND UTILITY IMPROVEMENTS

#### Section 5.00 PURPOSE

The purpose of this Article is to establish and define those public improvements, which the developer will be required to construct as a condition of final plat approval. This Article also identifies the procedures and responsibilities of the subdivider and the applicable public officials and agencies that share responsibility for administration, planning, design, construction and financing of all public facilities. This Article also establishes procedures for assuring compliance with these requirements.

#### Section 5.01 RESPONSIBILITY FOR PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, including profiles, cross-sections, specifications and supporting data, for the hereinafter required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans, which have been approved with the preliminary plat and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies and the Village Engineer. All construction plans shall be prepared in accordance with their standards or specifications.

#### Section 5.02 PROCEDURES

Whenever construction has been completed at the time of filing the final plat, one (1) complete copy of as-built engineering plans of each required public improvement shall be filed with the Village Clerk for review by the Village Engineer, along with the application for final plat approval. Other requirements and procedures for final plat approval shall be provided as provided in Section 3.02.

#### Section 5.03 REQUIRED PUBLIC IMPROVEMENTS

Every subdivider shall install, at the subdivider's expense, the following specified improvements:

1. **Streets.** All streets and appurtenances thereto shall be constructed in accordance with specifications designated by the Village. These specifications will be those of the Lapeer County Road Commission, Michigan Department of Transportation, or the Village of Almont Engineering Standards. The final 1 ½" wear course of asphalt shall not be laid until 80% of the houses are constructed.

2. **Monuments and Lot Corner Markers.** Monuments and lot corner markers shall be set in accordance with the Land Division Act and the rules of the State Department of Treasury.
3. **Underground Wiring.** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided residential area. All such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Engineer, Planning Commission, and the approval of the Village Council at the time of final plat approval, where it is determined that overhead lines will not constitute a detriment to the health, safety or general welfare of the public, or the plat design and character of a subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately owned property shall be protected by easements granted by the proprietor.
4. **Installation of Public Utilities.** All public utilities shall be located in accordance with specifications designated by the Village. These specifications will be those of the Lapeer County Road Commission or the Village of Almont Engineering Standards. All underground work for utilities shall be stubbed to the property line.
5. **Driveways.** All driveway openings and associated drainage structures shall be constructed in accordance with specifications designated by the Village. These specifications will be those of the Lapeer County Road Commission, the Michigan Department of Transportation, if applicable, or the Village of Almont Engineering Standards.
6. **Sanitary Sewer.** All lots shall be connected to the Village of Almont's sanitary-sewer system in accordance with specifications designated by the Village.
7. **Water Supply.** All lots shall be connected to the Village of Almont's water-supply system in accordance with specifications designated by the Village.
8. **Storm Drainage.** The proprietor shall provide a proper and adequate storm-water system, which shall involve storm-sewer lines, catch basins, manholes, culverts, bridges, retention/detention basins, controlled discharges, etc. Open roadside ditches shall not be permitted. The system shall adequately accommodate storm runoff from lots, open spaces and roadways, and not adversely affect other properties. All such improvements shall be in accordance with specifications designated by the



Village. These specifications will be those of the Lapeer County Drain Commissioner, the Lapeer County Road Commission, or the Village of Almont Engineering Standards.

9. **Sidewalks.**

- a. In all subdivisions and site condominiums, a four (4) foot concrete sidewalk shall be located one (1) foot from the property line (within the street right-of-way) on each side of the roadway.
- b. The sidewalks shall be constructed in accordance with specifications designated by the Village.
- c. Where, for a considerable distance, one side abuts on a park, golf course, cemetery or other type of use not requiring a walk, and where continuity is not essential, the Planning Commission may recommend that the requirement of a walk on that side be waived.
- d. Where recommended by the Planning Commission, a crosswalk through blocks shall be constructed to a line and grade as determined by the Village.

9. **Street Name Signs.** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Lapeer County Road Commission or the Village of Almont Engineering Standards as determined by the Village.

10. **Street Lighting.** The Planning Commission may require streetlights to be installed at or between intersections throughout the subdivision. In those instances where street lighting is required, the subdivider shall conform to the requirements of the Planning Commission and the public utility providing such lighting.

11. **Street Trees.** At least one (1) large deciduous tree having a minimum caliper of 2½ (two and one-half) inches D.B.H. (Diameter at Breast Height) shall also be provided within the front or rear yard areas of each lot. This latter requirement may be waived when a lot has two (2) or more trees of approved species having a caliper of at least three (3) inches D.B.H. All trees shall conform to the requirements of the Almont Village Zoning Ordinance.

12. **Greenbelts.** Where recommended by the Planning Commission for residential protection, greenbelts or landscape screen plantings shall be constructed according to the specifications of the Almont Village Zoning Ordinance. Maintenance and guarantees for the period of at least one (1) year shall be at the expense of the subdivider.



#### Section 5.04 FINANCIAL GUARANTEES

The Village Council, on recommendation of the Planning Commission, may permit a subdivider to furnish a financial guarantee for the installation of sidewalks, streetlights, street trees or other public improvements required by the Village. Notwithstanding anything contained herein, however, said improvements shall be constructed and/or installed prior to issuance of occupancy permits. Financial guarantees may be by corporate surety bond, cash, certified check or irrevocable bank letter of credit.

1. **Corporate Surety Bond.**

- A. **Accrual.** The bond shall accrue to the Village, covering construction, operation and maintenance of the specific public improvements.
- B. **Amount.** The bond shall be in an amount established by the Village Council upon the recommendation of the Village Engineer.
- C. **Term.** The Village Council shall specify the term of the bond.
- D. **Bonding or Surety Company.** The corporate surety shall be authorized to do business in the State of Michigan and acceptable to the Village Council.

2. **Cash Deposit, Certified Check or Irrevocable Bank Letter of Credit.**

- A. **Treasurer; Escrow Agent.** A cash deposit, certified check or irrevocable bank letter of credit, accruing to the Village, shall be deposited with the Village Treasurer or an escrow agent agreed upon by the Village and subdivider. The escrow agreement shall be prepared and furnished by the Village.
- B. **Amount.** The amount of the cash deposit, certified check or irrevocable bank letter of credit shall be established by the Village Council upon the recommendation of the Village Engineer.
- C. **Escrow Period.** The Village Council shall specify the escrow period for the cash deposit, certified check or irrevocable bank letter of credit.
- D. **Reduction of Guarantee.** By agreement between the Village and the subdivider, a partial refund of the cash deposit or reduction of the certified check or irrevocable bank letter of credit may be authorized to the extent of the cost of the completed portion of the public improvements.

### **Section 5.05 FINAL APPROVAL**

Approval of all final subdivision plats shall be conditioned upon the accomplishment of one of the following.

1. The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Village Council.
2. A financial guarantee acceptable to the Village shall have been filed in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond.

### **Section 5.06 INSPECTIONS**

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Village Council shall be made to provide for hiring of an inspector at the subdivider's sole expense to check or inspect the construction and its conformity to the submitted plans.

### **Section 5.07 PENALTIES**

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Village Council may proceed to have such work completed. In order to accomplish this, the Village Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check or irrevocable bank letter of credit, which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, as provided in a written agreement between the Village Council and the subdivider.

## **ARTICLE 6**

### **VARIANCES**

#### **Section 6.00 GENERAL STANDARDS**

The Village Planning Commission may recommend a variance from the provisions of this Ordinance to the Village Council on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impractical. The Planning Commission shall only recommend variances that it deems necessary or desirable for the public interest. In making its findings, the Planning Commission shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds:

1. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
2. That the granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the immediate area.
3. That such variance will not violate the provisions of the Land Division Act.
4. The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the Village Council and shall also record its reasons and actions in its minutes.
5. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Master Plan of the Village.

#### **Section 6.01 TOPOGRAPHICAL-PHYSICAL LIMITATIONS VARIANCE**

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Planning Commission may recommend to the Village Council that variance modification or a waiver of these requirements be granted.



## **ARTICLE 7**

### **VIOLATIONS AND PENALTIES**

Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, violating any of the provisions of this Ordinance shall be responsible for a Municipal Civil Infraction pursuant to Ordinance No. 163, subject to payment of a civil fine established by a resolution of the Village Council plus any costs, damages, expenses, and other sanctions as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws. Each day that a violation is permitted to exist shall constitute a separate violation.

## **ARTICLE 8**

### **SEVERABILITY**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

## **ARTICLE 9**

### **REPEAL**

Any and all ordinances of the Village of Almont and any parts or provisions thereof, to the extent that they are inconsistent with or contrary to the provisions of this Ordinance, are hereby expressly repealed.

## **ARTICLE 10**

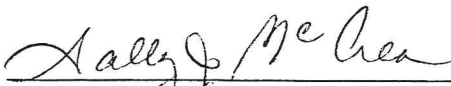
### **PUBLICATION OF ORDINANCE**

This Ordinance shall be published in accordance with the terms, provisions and requirements of the Village of Almont.

## ARTICLE 11

### EFFECTIVE DATE

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was adopted by the Almont Village Council on the 2<sup>nd</sup> day of November, 1999 and was published in the *Tri-City Times* on the 10<sup>th</sup> day of November, 1999. The Ordinance was made effective as of said date of publication.



Sally McCrea  
Clerk



Steven Schneider  
President